

NATIONAL LABOR RELATIONS BOARD
OFFICE OF THE EXECUTIVE SECRETARY
WASHINGTON D.C.

**MIDWEST TERMINALS OF TOLEDO,
INTERNATIONAL, INC.,**

Charged Party,

and

**INTERNATIONAL LONGSHOREMEN'S
ASSOCIATION, LOCAL 1982, *et al.*,**

Charging Parties.

Case Nos. 08-CA-038092, 08-CA-038581,
08-CA-038627, 08-CA-063901, 08-CA-
073735, 08-CA-092476, 08-CA-097760,
and 08-CA-098016

**MEMORANDUM IN OPPOSITION TO
CHARGED PARTY'S MOTION FOR
THE EXTENSION OF TIME**

On July 14, 2017, the United States Court of Appeals for the District of Columbia ("D.C. Circuit") ordered and issued a mandate remanding this case to the National Labor Relations Board ("Board"). In a letter dated July 18, 2017, the Board provided the parties an opportunity to submit a position statement by August 15, 2017. On August 2, 2017, Charged Party Midwest Terminals of Toledo International, Inc. ("Midwest") filed with the Office of the Executive Secretary of the Board a request for a thirty (30) day extension of time to provide a position statement.

This case involves alleged wrongdoing spanning back to at least June 2008. On November 12, 2013, administrative law judge Carissimi found Midwest in violation of the National Labor Relations Act and the Board affirmed this decision, but through delaying tactics and fights over technicalities, Midwest has succeeded in delaying justice for International Longshoremen's Association, Local 1982 ("Local 1982") and its members.

After the Board originally gave Midwest twenty-eight (28) days to draft a position statement, Midwest is now asking for an additional thirty (30) days. This, Local 1982 opposes. Midwest has manipulated the legal process to cause justice to be delayed nearly a decade in this case and should not be granted the courtesy of further extensions of time without good reason.

The reasons provided by Midwest for seeking an extension of time are insufficient. Pursuant to Section 3.3(d) of the Guide to Board Procedures, requests for extensions must be reasonable, but Midwest failed to provide a reasonable excuse for its request. It argues that Midwest may be able to have the D.C. Circuit change its mind and reverse its remand. Yet, as Midwest knows too well, proceedings at a lower court or administrative agency are not stayed simply because a higher court has an appeal before it. Section 3.3(d) provides numerous reasons an extension may be granted, but Midwest does not satisfy any of them. Provided the Charged Party's history of delay tactics and obfuscation, the Board should refuse to allow Midwest to continue to delay its proceedings, keep the position statement submission deadline as August 15, 2017, and proceed to rendering a decision on this matter as soon as possible.

Respectfully submitted,

/s/ Joseph C. Hoffman, Jr.

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CERTIFICATE OF SERVICE

I hereby certify that on August 4, 2017, the foregoing Memorandum in Opposition to Charged Party's Motion for the Extension of Time has been filed using this Court's electronic filing system. Parties will be notified of these filings through the Court's system.

/s/ Joseph C. Hoffman, Jr. _____
Joseph C. Hoffman, Jr. (0056060)